



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION 8**

**999 18<sup>TH</sup> STREET- SUITE 300**

**DENVER, CO 80202-2466**

**Phone 800-227-8917**

**<http://www.epa.gov/region08>**

**SDMS Document ID**



**2046811**

**JUN - 6 2005**

Ref: 8EPR-SR

**CERTIFIED MAIL**

**O K & S SCHERRIE FORTUNE**

**PO BOX 16266**

**DENVER CO**

Dear O K & S SCHERRIE:

Our records indicate that you are the owner of the following residential rental property(ies):

**3756 GILPIN ST**

These residential properties are located within the Vasquez Blvd./Interstate 70 (VB/I-70) Superfund Site at which EPA is removing and replacing soils with elevated lead and/or arsenic. The purpose of this action is to reduce human health risks associated with these contaminants. From EPA's studies, it was found that each property must be sampled to determine if increased risk to human health exists at that property. If the soil sampling finds levels of lead and arsenic above our cleanup levels established for the VB/I-70 Superfund site, EPA will remove and replace the top 12 inches of soil on the property. After the cleanup has been completed, EPA will landscape with sod and/or mulches as agreed to by the homeowner. EPA is planning to complete soil cleanups this year.

Despite numerous attempts to obtain access to your property, EPA has not received your approval to sample your property(ies). Please sign and return the enclosed access form and include a phone number where you can be reached. When we receive this signed document, EPA will have your permission to sample your property, and if necessary, to conduct the soil cleanup. Please return the signed access form to:

**USEPA**

**Victor Ketellapper (8EPR-SR)**

**999 18<sup>th</sup> St. Suite 300**

**Denver, CO 80027**

After the results of the soil sampling have been received, EPA will share the sampling results with you. If the results find that a soil removal is needed, an EPA representative will contact you to prepare a restoration/landscaping plan prior to starting the cleanup work.

**Under EPA's *Policy Towards Owners of Residential Property at Superfund Sites*, dated July 3, 1991, EPA may exercise its discretion in not pursuing residential property owners for the cost of the clean up of their property when they have not caused or contributed to such contamination. As a result, EPA has cleaned up hundreds of residential properties at the VB/70 Superfund Site at no cost to the residential property owner. EPA has the ability to order a property owner to give it access and may enforce such an order in federal court. If EPA finds it necessary to issue an order to obtain access, the above mentioned Policy would not apply and the homeowner could be held liable for all costs relating to the cleanup, including the cost of cleanup, sampling costs and the costs incurred by EPA in obtaining access to the property.**

Please contact Victor Ketellapper, Project Manager or myself if you have any questions regarding this letter. Victor's phone number is (303)312-6578. I can be reached at (303)312-6518.

Sincerely,



Karen Kellen  
Enforcement Attorney

O. K. FORTUNE  
P. O. BOX 16266  
DENVER, COLORADO. 80216-0266  
303-296-0396

2005 JUL -4 AM 12: 26

EPA, REGION VIII  
SUPERFUND BRANCH

06/29/05

USEPA  
999 18<sup>TH</sup> STREET #300  
DENVER, CO. 80202-2466

REF: VB/I-70

MY PROPERTY AT 3756-58 GILPIN ST. IS 175 FEET DEEP AND 50 FEET WIDE. IF THE RENTAL PROPERTIES ON MY LEFT AND RIGHT ARE CONTAMINATED, MY PROPERTY IS ALSO CONTAMINATED.

WHEN EPA REPLACES MY TOP 12 INCHES OF SOIL AND NOT THERE'S, SOMETHING IS WRONG.

EPA REPLACES THE TOP SOIL IT IS NOT FREE. YOUR SALARY AND THE SUBCONTRACTOR THAT REPLACES THE SOIL IS PAYED BY THE U.S. GOV. AND MY TAXES PAY THE GOVERNMENT. SO IT IS NOT "FREE"

I HAVE SPENT THE LAST 8 YEARS REPLACING THE SOD THAT I HAD WITH "AFRICAN - BERMURTA". A GRASS THAT NEEDS LESS WATER AND PREVENTS WEED'S FROM GROWING. THIS IS DONE ONE PLUG AT TIME AND LETTING IT SPREAD OVER THE YARD.

THESE ARE THE REASON'S I AM SIGNING THIS CONSENT FORM UNDER PROTEST.

  
O. K. FORTUNE



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

Victor Ketellapper

Phone 800-227-8917

<http://www.epa.gov/region08>

CONSENT FOR ACCESS TO PROPERTY

Name: O K & S SCHERRIE FORTUNE (or current property owner)

Location of Property: 3756 GILPIN ST

I consent to officers, employees, and authorized representatives of the United States Environmental Protection Agency (EPA) entering and having continued access to the above referenced property for the purpose of taking samples of soil on the Site.

I realize that these actions are undertaken pursuant to EPA's response and enforcement responsibilities under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA or Superfund), 42 U.S.C. § 9601 *et seq.*

---

O. K. Fortune

Printed Name

303-296-0396

Phone Number

O.K. Fortune

Signature

06/29/05

Date

"Under Protest"



Printed on Recycled Paper



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION 8**

**Victor Ketellapper**

**Phone 800-227-8917**

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\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



Printed on Recycled Paper

7001 0320 0005 8114 4024

**U.S. Postal Service**  
**CERTIFIED MAIL RECEIPT**  
*(Domestic Mail Only; No Insurance Coverage Provided)*

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Return Receipt Fee (Endorsement Required)	
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<b>Total Postage &amp; Fees</b>	<b>\$</b>

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Sent To \_\_\_\_\_  
 Street, Apt. No.,  
 or PO Box No. \_\_\_\_\_  
 City, State, ZIP+4 \_\_\_\_\_  
 PS Form 3811, January 2001

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

82  
 O.K. & S. Scherrie Fortune  
 P.O.Box 16266  
 Denver, CO 80266

*EPH*

JUN - 7 2005

2. Article Number  
 (Transfer from service label)

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature *[Signature]* ☐ Agent ☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes  
 If YES, enter delivery address below: ☐ No



3. Service Type

- ☒ Certified Mail
- ☐ Registered Mail
- ☐ Insured Mail
- ☐ Express Mail
- ☐ Return Receipt for Merchandise
- ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

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